

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

MCOM IP, LLC,)	
Plaintiff,)	
)	Civil Action No. 6:21-cv-00197
v.)	
)	
DH CORPORATION)	JURY TRIAL DEMANDED
Defendant.)	

PLAINTIFF’S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

mCom IP, LLC (“mCom”) files this Original Complaint and demand for jury trial seeking relief from patent infringement of the claims of U.S. Patent No. 8,862,508 (“the ‘508 patent”) (referred to as the “Patent-in-Suit”) by DH Corporation (“Finastra”).

I. THE PARTIES

1. Plaintiff mCom is a Texas Limited Liability Company with its principal place of business located in Harris County, Texas.

2. On information and belief, FINASTRA is a corporation existing under the laws of the State of Delaware, with a principal place of business located at 12301 Research Blvd., Building V, Suite 100, Austin, TX78759. On information and belief, FINASTRA sells and offers to sell products and services throughout Texas, including in this judicial district, and introduces products and services that perform infringing methods or processes into the stream of commerce knowing that they would be sold in Texas and this judicial district. Defendant may be served at its place of business.

II. JURISDICTION AND VENUE

3. This Court has original subject-matter jurisdiction over the entire action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff's claim arises under an Act of Congress relating to patents, namely, 35 U.S.C. § 271.

4. This Court has personal jurisdiction over Defendant because: (i) Defendant is present within or has minimum contacts within the State of Texas and this judicial district; (ii) Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas and in this judicial district; and (iii) Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Texas and in this judicial district.

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b). Defendant has committed acts of infringement and has a regular and established place of business in this District. Further, venue is proper because Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in Texas and this District.

III. INFRINGEMENT

A. Infringement of the '508 Patent

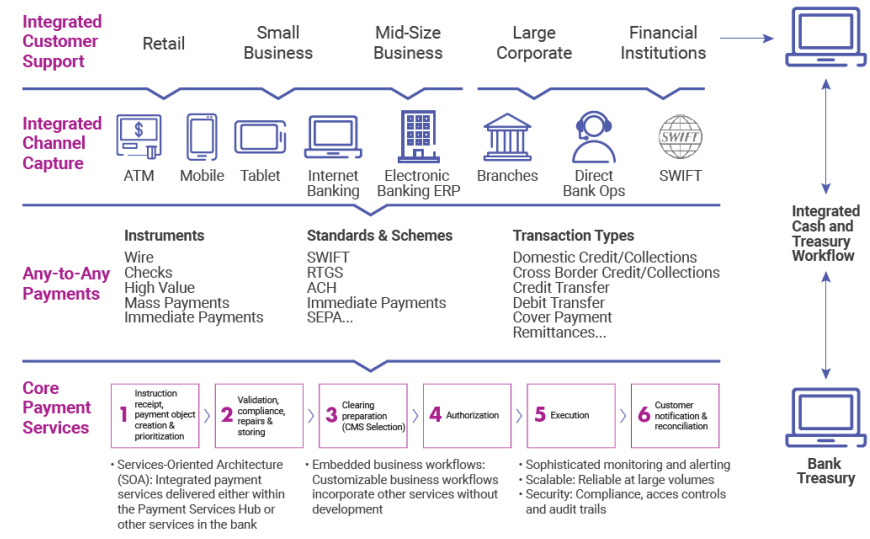
6. On October 14, 2014, U.S. Patent No. 8,862,508 ("the '508 patent", attached as Exhibit A) entitled "System and method for unifying e-banking touch points and providing personalized financial services" was duly and legally issued by the U.S. Patent and Trademark Office. MCom owns the '508 patent by assignment.

7. The '508 patent relates to novel and improved systems and methods for constructing a unified banking system.

8. FINASTRA maintains, operates, and administers methods and systems of unified banking systems that infringe one or more claims of the ‘508 patent, including one or more of claims 1-20, literally or under the doctrine of equivalents. Defendant put the inventions claimed by the ‘508 Patent into service (i.e., used them); but for Defendant’s actions, the claimed-inventions embodiments involving Defendant’s products and services would never have been put into service. Defendant’s acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Defendant’s procurement of monetary and commercial benefit from it.


9. Support for the allegations of infringement may be found in the following preliminary table:

Claim	FINASTRA
1. A method for constructing a unified electronic banking environment, said method comprising the steps of:	<p>Delivering Value—Solutions For The Entire Financial Supply Chain</p> <p>Finastra offers large financial institutions a suite of solutions to help them to manage payments, provide cash management services, achieve financial messaging, automate payables and receivables, and provide channel distribution in a cost-effective, secure, operationally efficient and reliable way.</p> <p><u>Finastra’s solutions enable financial institutions to manage all types of payments, within and across national borders, from and to any channel, with highest degree of automation and straight-through-processing (STP). It offers financial institutions and its customers full transparency and real-time visibility at any stage of the payment lifecycle.</u></p> <p>Attachment 1 (INTEGRATED PAYMENTS AND COMPLIANCE SOLUTION FOR U.S FINANCIAL INSTITUTIONS) At 5. Source: https://www.finastra.com/sites/default/files/documents/2019/01/brochure_integrated-fusion-payplus.pdf</p>
providing at least one common multi-channel server coupled to more than one e-	

Claim	FINASTRA
<p>banking touch points and also coupled to at least one computer system configured with at least one control console, said more than one e-banking touch points and said at least one computer system being provided in locations remote from the other, and further wherein said more than one plurality of e-banking touch points are comprised of at least two different types of e-banking touch point devices, each of which comprise one or more of an automatic teller/transaction machine (ATM), a self service coin counter (SSCC), a kiosk, a digital signage display, an online accessible banking website, a personal digital assistant (PDA), a personal computer</p>	<p>Why Finastra? The Only Fully Supported Supply Chain Solution</p>  <p>Integrated Customer Support Retail Small Business Mid-Size Business Large Corporate Financial Institutions</p> <p>Integrated Channel Capture ATM Mobile Tablet Internet Banking Electronic Banking ERP Branches Direct Bank Ops SWIFT</p> <p>Any-to-Any Payments Instruments: Wire, Checks, High Value, Mass Payments, Immediate Payments. Standards & Schemes: SWIFT, RTGS, ACH, Immediate Payments, SEPA... Transaction Types: Domestic Credit/Collections, Cross Border Credit/Collections, Credit Transfer, Debit Transfer, Cover Payment, Remittances...</p> <p>Core Payment Services 1. Instruction receipt, payment object creation & prioritization. 2. Validation, compliance, repairs & storing. 3. Clearing preparation (CMS Selection). 4. Authorization. 5. Execution. 6. Customer notification & reconciliation.</p> <ul style="list-style-type: none"> Services-Oriented Architecture (SOA): Integrated payment services delivered either within the Payment Services Hub or other services in the bank Embedded business workflows: Customizable business workflows incorporate other services without development Sophisticated monitoring and alerting Scalable: Reliable at large volumes Security: Compliance, access controls and audit trails <p>Integrated Cash and Treasury Workflow</p> <p>Bank Treasury</p> <p>Attachment 1 (INTEGRATED PAYMENTS AND COMPLIANCE SOLUTION FOR U.S FINANCIAL INSTITUTIONS) At 5.</p> <p>Source: https://www.finastra.com/sites/default/files/documents/2019/01/brochure_integrated-fusion-payplus.pdf</p> <p>Improved, Omni-Channel Customer Experience</p> <p>Personal Financial Management increases your customers' financial awareness by providing a deep insight into their finances. It helps them to forecast incomes and control expenses, transforming your existing service into an innovative financial management and advisory center. <u>Fusion Digital Platform's PFM provides seamless and engaging customer experience through all digital channels: PC, tablet and mobile.</u></p>


Claim	FINASTRA
<p>(PC), a laptop, a wireless device, or a combination of two or more thereof, and wherein at least one of said e-banking touch points is in communication with one or more financial institutions through said multi-channel server;</p>	<p>Attachment 2 (FUSION DIGITAL PLATFORM PERSONAL FINANCIAL MANAGEMENT) At 1.</p> <p>Source: https://www.finastra.com/sites/default/files/2019-01/brochure_fusion-digital-platform-personal-finance-management-factsheet.pdf</p>
<p>receiving an actionable input from at least one e-banking touch point;</p>	<p>Personalization <u>Personalized transactions:</u> Attaching an image from a device's photo library to a transaction enables users to easily record purchases and receipts to better track spending activity.</p> <p>Attachment 3 (One platform, One experience, Unlimited choices) At 4.</p> <p>Source: https://www.finastra.com/sites/default/files/2020-09/brochure_fusion-digital-banking-one-platform-one-experience-unlimited-choices.pdf</p>

Claim	FINASTRA
<p>retrieving previously stored data associated with said actionable input, wherein said previously stored data is accessible to any one of said e-banking touch points, and said previously stored data comprises data from one or more financial institutions and one or more user-defined preferences;</p>	<p>Fusion Insight provides a secure user access <u>based on the user profile</u> and privileges. You can:</p> <ul style="list-style-type: none"> ▪ manage access at user and user group levels ▪ grant access to workspaces, <u>dashboards and datasets</u> <p>Attachment 4 (Harness In-Memory Analytics to Turn Your Data into Valuable Insights) At 3. Source: https://www.finastra.com/sites/default/files/documents/2018/03/brochure_fusion-insight-factsheet.pdf</p> <p>Create a Richer Customer Experience <u>You have decades'—terabytes—of customer data sitting in your core banking system or on spreadsheets.</u> Data that your competitors, or new 'startup' banks are envious of. Turn that data into insights to better understand your customers, their financial aspirations and behaviors.</p> <p>Attachment 4 (Harness In-Memory Analytics to Turn Your Data into Valuable Insights) At 3. Source: https://www.finastra.com/sites/default/files/documents/2018/03/brochure_fusion-insight-factsheet.pdf</p>

Claim	FINASTRA
<p>delivering said retrieved data to said at least one e-banking touch point transmitting said actionable input;</p>	<div data-bbox="678 338 737 394"></div> <p data-bbox="753 359 1078 453"><u>Real-time data and reporting</u></p> <p data-bbox="678 468 1211 821"><u>Gain insights to trending reports and access to Real-time End user Behavioral Analytics (REBA) at your fingertips. From session information to detailed trends of money movement, all data can be exported for further analysis.</u></p> <p data-bbox="399 930 1325 963">Attachment 3 (One platform, One experience, Unlimited choices) At 6.</p> <p data-bbox="399 999 1495 1075">Source: https://www.finastra.com/sites/default/files/2020-09/brochure_fusion-digital-banking-one-platform-one-experience-unlimited-choices.pdf</p>
<p>storing transactional usage data associated with said at least one e-banking touch point transmitting said actionable input, wherein said stored transactional usage data is accessible by any one of said more than one e-banking touch points and said at</p>	<p data-bbox="708 1184 1183 1215">Create a Richer Customer Experience</p> <p data-bbox="708 1222 1201 1467"><u>You have decades'—terabytes—of customer data sitting in your core banking system or on spreadsheets. Data that your competitors, or new 'startup' banks are envious of. Turn that data into insights to better understand your customers, their financial aspirations and behaviors.</u></p> <p data-bbox="399 1593 1471 1663">Attachment 4 (Harness In-Memory Analytics to Turn Your Data into Valuable Insights) At 3.</p> <p data-bbox="399 1669 1495 1785">Source: https://www.finastra.com/sites/default/files/documents/2018/03/brochure_fusion-insight-factsheet.pdf</p>

Claim	FINASTRA
least one computer system;	<ul style="list-style-type: none"> • <u>Income and spending gives the details about all incoming and outgoing transactions on all accounts in one view.</u> By using free text search, enhanced by our suggestion engine, <u>finding a specific transaction is simple and easy.</u> <p>Attachment 2 (FUSION DIGITAL PLATFORM PERSONAL FINANCIAL MANAGEMENT) At 3.</p> <p>Source: https://www.finastra.com/sites/default/files/2019-01/brochure_fusion-digital-platform-personal-finance-management-factsheet.pdf</p>
monitoring via said server an active session in real-time for selection of targeted marketing content correlated to said user-defined preferences;	<p>Real Time</p> <p>In today's competitive environment, time is money. Finastra's solutions use state-of-the art technology to <u>enable our customers (and, in turn, their customers to set-up, execute and monitor their transaction banking needs in real time.</u> This means they can make proactive, informed and timely business decisions that will ultimately help them grow their business.</p> <p>Attachment 1 (INTEGRATED PAYMENTS AND COMPLIANCE SOLUTION FOR U.S FINANCIAL INSTITUTIONS) At 14.</p> <p>Source: https://www.finastra.com/sites/default/files/documents/2019/01/brochure_integrated-fusion-payplus.pdf</p>

Claim	FINASTRA
<p>subsequent to said monitoring, selecting in real-time said targeted marketing content correlated to said user-defined preferences; and</p>	<p><u>User experience dashboard enables you to see who, when and how uses the channels you have. Discovering patterns in user digital behavior will have huge effect on your marketing campaign performance by enabling you to set the ads where your customers actually are.</u> Also it will help you optimize the usage of your marketing campaigns. Sales dashboard will allow you to track marketing campaign performance in real time and will enable you to react promptly in cases where performances don't meet the goals. This level of analysis empowers you to market to the 'segment of 1'.</p> <p>Attachment 4 (Harness In-Memory Analytics to Turn Your Data into Valuable Insights) At 3. Source: https://www.finastra.com/sites/default/files/documents/2018/03/brochure_fusion-insight-factsheet.pdf</p>
<p>transmitting in real-time said targeted marketing content during said active session to at least one of said e-banking touch points for acceptance, rejection, or no response by a user, wherein said response by said user is used during</p>	

Claim	FINASTRA
<p>said active session to determine whether transmission of additional information related to said marketing content occurs during said active session.</p>	<div data-bbox="738 268 1153 745">  <p>In-app marketing and messaging <u>Drive community initiatives and develop ad campaigns that engage the user without disrupting their banking experience. Multiple ads can be maintained at any given time on the login screen and the feature navigation menu, as well as larger ads within the primary workspace of your digital banking solution.</u></p> </div> <p>Attachment 3 (One platform, One experience, Unlimited choices) At 6.</p> <p>Source: https://www.finastra.com/sites/default/files/2020-09/brochure_fusion-digital-banking-one-platform-one-experience-unlimited-choices.pdf</p>

These allegations of infringement are preliminary and are therefore subject to change.

10. FINASTRA has and continues to induce infringement. FINASTRA has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to construct a unified banking system such as to cause infringement of one or more of claims 1–20 of the '508 patent, literally or under the doctrine of equivalents. Moreover, FINASTRA has known of the '508 patent and the technology underlying it from at least the date of issuance of the patent.

11. FINASTRA has and continues to contributorily infringe. FINASTRA has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., construction of unified

banking system) and related services that provide unified banking systems such as to cause infringement of one or more of claims 1–20 of the '508 patent, literally or under the doctrine of equivalents. Moreover, FINASTRA has known of the '508 patent and the technology underlying it from at least the date of issuance of the patent.

12. FINASTRA has caused and will continue to cause MCom damage by direct and indirect infringement of (including inducing infringement of) the claims of the '508 patent.

IV. JURY DEMAND

MCom hereby requests a trial by jury on issues so triable by right.

V. PRAYER FOR RELIEF

WHEREFORE, MCom prays for relief as follows:

- a. enter judgment that Defendant has infringed the claims of the '508 patent;
- b. award MCom damages in an amount sufficient to compensate it for Defendant's infringement of the '508 patent in an amount no less than a reasonable royalty or lost profits, together with pre-judgment and post-judgment interest and costs under 35 U.S.C. § 284;
- c. award MCom an accounting for acts of infringement not presented at trial and an award by the Court of additional damage for any such acts of infringement;
- d. declare this case to be "exceptional" under 35 U.S.C. § 285 and award MCom its attorneys' fees, expenses, and costs incurred in this action;
- e. declare Defendant's infringement to be willful and treble the damages, including attorneys' fees, expenses, and costs incurred in this action and an increase in the damage award pursuant to 35 U.S.C. § 284;

- f. a decree addressing future infringement that either (i) awards a permanent injunction enjoining Defendant and its agents, servants, employees, affiliates, divisions, and subsidiaries, and those in association with Defendant from infringing the claims of the Patents-in-Suit, or (ii) awards damages for future infringement in lieu of an injunction in an amount consistent with the fact that for future infringement the Defendant will be an adjudicated infringer of a valid patent, and trebles that amount in view of the fact that the future infringement will be willful as a matter of law; and
- g. award MCom such other and further relief as this Court deems just and proper.

Respectfully submitted,

Ramey & Schwaller, LLP

A handwritten signature in blue ink, appearing to read 'WPR', followed by a large, loopy flourish that extends to the right and then loops back down.

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